

July 27, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **L98P0018**

WINDHAM COURT
Preliminary Plat Application

Location: Approximately 200 feet southeast of 244th Avenue Southeast,
south of Southeast 8th Street

Applicant: Puget Sound Investment Group, *represented by*
George Kresovich, Attorney at Law
Hillis, Clark, Martin and Peterson
1221 Second Avenue #500
Seattle, WA 98101

SUMMARY OF RECOMMENDATIONS AND DECISION:

Department's Preliminary Recommendation:	Approve, subject to conditions
Department's Final Recommendation:	Approve, subject to conditions (modified)
Examiner's Decision:	Approve, subject to conditions (modified)

PRELIMINARY MATTERS:

Application or petition submitted:	May 8, 1998
Complete application:	May 8, 1998

EXAMINER PROCEEDINGS:

Hearing Opened:	July 22, 1999
Hearing Closed:	July 22, 1999

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

SUMMARY:

Plat of 17 lots on 4.57 acres granted preliminary approval.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:**1. General Information:**

Owner:	Puget Sound Investment Group 4720 - 200 th Street SW #203 P.O. Box 596 Lynnwood, WA 98046 Contact: Jim Keller
Developer:	Cascade Builders and Developers, Inc. 22526 SE 64 th Place #220 Issaquah, WA 98029 Contact: Mr. Laverne Poston
Location:	Located approximately 200 feet southeast of 244 th Avenue SE, south of SE 8 th Street.
STR:	SE, SE 35-25-06
Zoning:	R-4
Acreage:	4.57 acres
Number of Lots:	17
Density:	3.7 dwelling units per acre
Lot Size:	5,500 to 9,360 square feet
Proposed Use:	Single Family Residence, detached
Sewage Disposal:	Sammamish Plateau Sewer and Water District
Water Supply:	Sammamish Plateau Sewer and Water District
Fire District:	Issaquah #10
School District:	Issaquah School District
Complete Application Date:	May 8, 1998

2. Except as modified below, the facts set forth in the King County Land Use Services Division's Preliminary Report to the King County Hearing Examiner for the July 22, 1999 public hearing are found to be correct and are incorporated herein by this reference. The said report is Exhibit No. 2 in the hearing record.
3. The subject property is located approximately 200 feet southeast of 244th Avenue SE, south of SE 8th Street.

4. The Applicant concurs with the conditions of final plat approval recommended by DDES in its Preliminary Report to the Hearing Examiner for the July 22, 1999 public hearing.

CONCLUSIONS:

1. If approved subject to the conditions set forth below, the proposed subdivision will comply with the goals and objectives of the King County Comprehensive Plan, Subdivision and Zoning Codes, and other official land use controls and policies of King County.
2. If approved subject to the conditions set forth below, this proposed subdivision will make appropriate provision for the public health, safety and general welfare and for open spaces, for drainage ways, streets, other public ways, transit stops, potable water supply, sanitary wastes, parks and recreations, playgrounds, schools and school grounds, and safe walking conditions for students who only walk to school; and it will serve the public use and interest.
3. The conditions for final plat approval set forth below are in the public interest and are reasonable requirements to mitigate the impacts of this development upon the environment.
4. The dedications of land or easements within and adjacent to the proposed plat, as required by the conditions for final plat approval or as shown on the proposed preliminary plat submitted by the applicant, are reasonable and necessary as a direct result of the development of this proposed plat.

DECISION:

The proposed plat of Windham Court, as revised and received October 1, 1998, is GRANTED preliminary approval, subject to the following conditions of final plat approval:

1. (There is no Condition No. 1)
2. Compliance with all platting provisions of Title 19 of the King County Code.
3. All persons having an ownership interest in the subject property shall sign on the face of the final plat a dedication which includes the language set forth in King County Council Motion No. 5952.
4. The plat shall comply with the base density and minimum density requirements of the R-4 zone classification. All lots shall meet the minimum dimensional requirements of the R-4 zone classification and shall be generally as shown on the face of the approved preliminary plat, except that minor revisions to the plat which do not result in substantial changes may be approved at the discretion of the Department of Development and Environmental Services.
5. The applicant must obtain final approval from the King County Health Department.

6. All construction and upgrading of public and private roads shall be done in accordance with the King County Road Standards established and adopted by Ordinance No. 11187, as amended (1993 KCRS).
7. The applicant must obtain the approval of the King County Fire Protection Engineer for the adequacy of the fire hydrant, water main, and fire flow standards of Chapter 17.08 of the King County Code.
8. Final plat approval shall require full compliance with the drainage provisions set forth in King County Code 9.04. Compliance may result in reducing the number and/or location of lots as shown on the preliminary approved plat. Preliminary review has identified the following conditions of approval which represent portions of the drainage requirements. All other applicable requirements in KCC 9.04 and the Surface Water Design Manual (SWDM) must also be satisfied during engineering and final review.
 - a. Drainage plans and analysis shall comply with the 1990 King County Surface Water Design Manual and applicable updates adopted by King County. DDES approval of the drainage and roadway plans is required prior to any construction.
 - b. Current standard plan notes and ESC notes, as established by DDES Engineering Review, shall be shown on the engineering plans.
 - c. The following note shall be shown on the final recorded plat:

"All building downspouts, footing drains, and drains from all impervious surfaces such as patios and driveways shall be connected to the permanent storm drain outlet as shown on the approved construction drawings # _____ on file with DDES and/or the King County Department of Transportation. This plan shall be submitted with the application of any building permit. All connections of the drains must be constructed and approved prior to the final building inspection approval. For those lots that are designated for individual lot infiltration systems, the systems shall be constructed at the time of the building permit and shall comply with plans on file."
9. The following road improvements are required for this subdivision to be constructed according to the 1993 King County Road Standards:
 - a. Road W and SE 11th St. shall be improved to the urban subaccess road standard as proposed by the applicant.
 - b. Access Tracts A, C, and D shall be improved as joint use driveways according to Section 3.01 of the King County Road Standards.
 - c. Modifications to the above road conditions may be considered by King County pursuant to the variance procedures in Section 1.08 of the King

10. All utilities within proposed rights-of-way must be included within a franchise approved by the King County Council prior to final plat recording.
11. The applicant or subsequent owner shall comply with King County Code 14.75, Mitigation Payment System (MPS), by paying the required MPS fee and administration fee as determined by the applicable fee ordinance. The applicant has the option to either: (1) pay the MPS fee at final plat recording, or (2) pay the MPS fee at the time of building permit issuance. If the first option is chosen, the fee paid shall be the fee in effect at the time of plat application and a note shall be placed on the face of the plat that reads, "All fees required by King County Code 14.75, Mitigation Payment System (MPS), have been paid." If the second option is chosen, the fee paid shall be the amount in effect as of the date of building permit application.
12. Lots within this subdivision are subject to King County Code 21A.43, which imposes impact fees to fund school system improvements needed to serve new development. As a condition of final approval, fifty percent (50%) of the impact fees due for the plat shall be assessed and collected immediately prior to recording, using the fee schedules in effect when the plat receives final approval. The balance of the assessed fee shall be allocated evenly to the dwelling units in the plat and shall be collected prior to building permit issuance.
13. Off-site access to the subdivision shall be over a full-width, dedicated and improved road which has been accepted by King County for maintenance. If the proposed access road has not been accepted by King County at the time of recording, then said road shall be fully bonded by the applicant of this subdivision.
14. Lots 16 and 17 shall have undivided ownership of Tract A, lots 9 and 10 shall have undivided ownership of Tract D, and lots 5 and 6 shall have undivided ownership of Tract C and be responsible for its maintenance. A note to this effect shall be placed on the engineering plans and final plat.
15. The following note shall be shown on the final engineering plan and recorded plat:

**RESTRICTIONS FOR SENSITIVE AREA TRACTS AND SENSITIVE
AREAS AND BUFFERS**

Dedication of a sensitive area tract/sensitive area and buffer conveys to the public a beneficial interest in the land within the tract/sensitive area and buffer. This interest includes the preservation of native vegetation for all purposes that benefit the public health, safety and welfare, including control of surface water and erosion, maintenance of slope stability, and protection of plant and animal habitat. The sensitive area tract/sensitive area and buffer imposes upon all present and future owners and occupiers of the land subject to the tract/sensitive area and buffer the obligation, enforceable on behalf of the public by King County, to leave undisturbed all trees and other vegetation within the tract/sensitive area and buffer. The vegetation within the tract/sensitive area and buffer may not be cut, pruned, covered by fill, removed or damaged

without approval in writing from the King County Department of Development and Environmental Services or its successor agency, unless otherwise provided by law

The common boundary between the tract/sensitive area and buffer and the area of development activity must be marked or otherwise flagged to the satisfaction of King County prior to any clearing, grading, building construction or other development activity on a lot subject to the sensitive area tract/sensitive area and buffer. The required marking or flagging shall remain in place until all development proposal activities in the vicinity of the sensitive area are completed.

No building foundations are allowed beyond the required 15-foot building setback line, unless otherwise provided by law.

16. The proposed subdivision shall comply with the Sensitive Areas Ordinance as outlined in KCC 21A.24. Permanent survey marking, and signs as specified in KCC 21A.24.160 shall also be addressed prior to final plat approval. Temporary marking of sensitive areas and their buffers (e.g., with bright orange construction fencing) shall be placed on the site and shall remain in place until all construction activities are completed.
17. Preliminary review has identified the following issues which apply to this project. All other applicable requirements for sensitive areas shall also be addressed by the applicant.
 - a. The Class 2 wetland and their respective buffers shall be placed in a Sensitive Area Tract (SAT).
 - b. Off-site, Class 2 wetland adjoins the site (north & east boundaries). A 50-foot buffer shall be provided from this wetland, to the extent such buffer falls within the subject property. The on-site buffer shall be placed within a Sensitive Area Tract.
 - c. A minimum building setback line of 15-feet shall be required from the edge of the SAT.
18. Suitable recreation space shall be provided consistent with the requirements of KCC 21A.14.180 and KCC 21A.14.190 (i.e., sport court[s], children's play equipment, picnic table[s], benches, etc.).
 - a. An overall conceptual recreation space plan shall be submitted for review and approval by DDES, with the submittal of the engineering plans. This plan shall include location, area calculations, dimensions, and general improvements. The approved engineering plans shall be consistent with the overall conceptual plan.
 - b. A detailed recreation space plan (i.e., landscape specs, equipment specs, etc.) consistent with the overall conceptual plan, as detailed in item a., shall be submitted for review and approval by DDES and King County Parks prior to or concurrent with the submittal of the final plat documents.
 - c. A performance bond for recreation space improvements shall be posted prior to recording of the plat.
19. A homeowners' association or other workable organization shall be established to the satisfaction of DDES which provides for the ownership and continued maintenance of the

recreation and sensitive area tracts.

20. The following have been established by SEPA as necessary requirements to mitigate the adverse environmental impacts of this development. The applicants shall demonstrate compliance with these items prior to final approval.
- a. The stormwater detention for this site shall be designed per the Level 3 King County Runoff Time Series (KCRTS) methodology according to the 1998 King County Surface Water Design Manual. A 30% volumetric factor of safety shall be added to the size of the facility.
 - b. In order to assure an equitable sharing of the costs associated with the ultimate planned road improvements for SE 8th Street/244th Avenue SE corridor between 228th Avenue SE and NE 8th Street, the applicant shall pay a pro-rata share towards the construction and widening of the SE 8th Street/244th Avenue SE corridor, consistent with the developers' portion of CIP Projects 201397 and 200797.
 - c. (There is no subparagraph 'c')
 - d. If at the time of the final plat recording, a new MPS fee schedule that includes the SE 8th Street/244th Avenue SE corridor is adopted, and the applicant chooses to pay MPS fees at the time of building permit approval, a pro-rata share payment will no longer be required at the time of the final plat recording.

ORDERED this 27th day of July, 1999.

James N. O'Connor
King County Hearing Examiner

TRANSMITTED this 27th day of July, 1999, to the parties and interested persons shown on the attached list.

JNOC:sje
Attachment
Plats\L98P0018 RPT

NOTICE OF RIGHT TO APPEAL

In order to appeal the decision of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) ***on or before August 10, 1999***. If a notice of appeal is filed, the original and six (6) copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council ***on or before August 17, 1999***. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the decision of the hearing examiner contained herein shall be the final decision of King County without the need for further action by the Council.

MINUTES OF THE JULY 22, 1999 PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO L98P0018 – WINDHAM COURT:

James N. O'Connor was the Hearing Examiner in this matter. Participating in the hearing and representing the Department were Lance Moreno and Bruce Whittaker. Participating in the hearing and representing the Applicant were George Kresovich and Laverne Poston. Other participants in this hearing were Mark Kirkpatrick.

The following exhibits were offered and entered into the record:

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|----------------|--|
| Exhibit No. 1 | Department of Development and Environmental Services File No. L98P0018 |
| Exhibit No. 2 | Department of Development and Environmental Services Preliminary Report, dated July 22, 1999. |
| Exhibit No. 3 | Application, dated May 8, 1998. |
| Exhibit No. 4 | Environmental Checklist, dated May 8, 1998. |
| Exhibit No. 5 | Declaration of Non-significance, dated June 9, 1999. |
| Exhibit No. 6 | Affidavit of Posting indicating June 10, 1999 as date of posting and June 15, 1999 as the date the affidavit was received by the Department of Development and Environmental Services. |
| Exhibit No. 7 | Plat Map dated October 1, 1998. |
| Exhibit No. 8 | Land Use Map 956E |
| Exhibit No. 9 | Assessor Map 35-25-06. |
| Exhibit No. 10 | Level One Drainage Analysis received May 8, 1998. |
| Exhibit No. 11 | Level One Drainage Analysis (revised) received October 1, 1998. |
| Exhibit No. 12 | Level III Flow Control Standard received May 8, 1998. |
| Exhibit No. 13 | Wetland Assessment received May 8, 1998. |
| Exhibit No. 14 | Trip Generation and Distribution received May 8, 1998. |
| Exhibit No. 15 | Renaissance Plat Map, dated October 2, 1996. |